To these, many other objections might be added; but I fancy they are sufficient to outweigh all considerations of mild winters and luxuriant vegetation, which comprize the chief advantages Kentucky can boast of. The rage for emigration thither is nearly stopt in America, and there is still less inducement for Europeans to give into it.

You have now all the ideas I am able to furnish you, respecting the proper places for a numerous and contiguous emigration and settlement. I leave you to form your own opinion of the credit due to them. There may be exceptions and limitations to some of them, but upon the whole I dare venture to affert, they are sufficiently accurate to be prudently acted upon.

A

LETTER

TO THE

NATIONAL CONVENTION

OF

FRANCE.

[PRICE ONE SHILLING AND SIX-PENCE.]

A

LETTER

TO THE

NATIONAL CONVENTION

OF

FRANCE,

ON THE

DEFECTS IN THE CONSTITUTION OF 1791,

AND THE

EXTENT OF THE AMENDMENTS WHICH OUGHT TO BE APPLIED.

By *JOEL BARLOW*, Esq.

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MDCCXCII.

THE BRITISH MUSEUM

A

LETTER, &c.

GENTLEMEN,

THE time is at laſt arrived, when the people of France, by reſorting to their own proper dignity, feel themſelves at liberty to exerciſe their unembarraſſed reaſon, in eſtabliſhing an equal government. The preſent criſis in your affairs, marked by the aſſembling of a National Convention, bears nearly the ſame relation to the laſt four years of your hiſtory, as your whole revolution bears to the great accumulated maſs of modern improvement. Compared therefore with all that is paſt, it is

perhaps the moſt intereſting portion of the moſt important period that Europe has hitherto ſeen.

Under this impreſſion, and with the deepeſt ſenſe of the magnitude of the ſubject which engages your attention, I take a liberty which no ſlight motives could warrant in a ſtranger, the liberty of offering a few obſervations on the buſineſs that lies before you. Could I ſuppoſe however that any apology were neceſſary for this intruſion, I ſhould not rely upon the one here mentioned. But my intentions require no apology; I demand to be heard, as a right. Your cauſe is that of human nature at large; you are the repreſentatives of mankind; and though I am not literally one of your conſtituents, yet I muſt be bound by your decrees. My happineſs will be ſeriouſly affected by your deliberations; and in them I have an intereſt, which nothing can deſtroy. I not only conſider all mankind as forming but one great family, and therefore bound by a natural ſympathy to regard each other's hap-

happineſs as making part of their own; but I contemplate the French nation at this moment as ſtanding in the place of the whole. You have ſtepped forward with a gigantic ſtride to an enterprize which involves the intereſts of every ſurrounding nation; and what you began as juſtice to yourſelves, you are called upon to finiſh as a duty to the human race.

I believe no man cheriſhes a greater veneration, than I have uniformly done, for the National Aſſembly who framed that Conſtitution, which I now preſume your conſtituents expect you to reviſe. Perhaps the merits of that body of men will never be properly appreciated. The greateſt part of their exertions were neceſſarily ſpent on objects which cannot be deſcribed; and which from their nature can make no figure in hiſtory. The enormous weight of abuſes they had to overturn, the quantity of prejudice with which their functions called them to contend, as well in their own minds as in thoſe of all the European world, the open oppoſition

oppoſition of intereſts, the ſecret weapons of corruption, and the unbridled fury of deſpairing faction,— theſe are ſubjects which eſcape our common obſervation, when we contemplate the labours of that Aſſembly. But the legacy they have left to their country in their deliberative capacity will remain a laſting monument to their praiſe; and though while ſearching out the defective parts of their work, without loſing ſight of the difficulties under which it was formed, we may find more occaſion to admire its wiſdom, than to murmur at its faults; yet this conſideration ought not to deter us from the attempt.

The great leading principle, on which their conſtitution was meant to be founded, is *the equality of rights*. This principle being laid down with ſuch clearneſs, and aſſerted with ſo much dignity in the beginning of the code, it is ſtrange that men of clear underſtandings ſhould fail to be charmed with the beauty of the ſyſtem which nature muſt have taught them to build

on

on that foundation. It ſhows a diſpoſition to counteract the analogy of nature, to ſee them at one moment, impreſſing this indelible principle on our minds, and with the next breath declaring, That France ſhall remain a monarchy,—that it ſhall have a king, hereditary, inviolable, clothed with all the executive, and much of the legiſlative power, commander in chief of all the national force by land and ſea, having the initiative of war, and the power of concluding peace;—and above all, to hear them declare that, "The nation will "provide for the ſplendour of the throne," granting in their legiſlative capacity to that throne more than a million ſterling a year, from the national purſe, beſides the rents of eſtates which are ſaid to amount to half as much more.

We muſt be aſtoniſhed at the paradoxical organization of the minds of men who could ſee no diſcordance in theſe ideas. They begin with the open ſimplicity of a rational republic, and immediately plunge into all the labyrinths of royalty; and a great

great part of the conſtitutional code is a practical attempt to reconcile theſe two diſcordant theories. It is a perpetual conflict between principle and precedent,—between the manly truths of nature, which we all muſt feel, and the learned ſubtilties of ſtateſmen, about which we have been taught to reaſon.

In reviewing the hiſtory of human opinions, it is an unpleaſant conſideration to remark how ſlow the mind has always been in ſeizing the moſt intereſting truths; although, when diſcovered, they appear to have been the moſt obvious. This remark is no where verified with more circumſtances of regret, than in the progreſs of your ideas in France relative to the inutility of the kingly office. It was not enough that you took your firſt ſtand upon the high ground of natural right; where, enlightened by the ſun of reaſon, you might have ſeen the clouds of prejudice roll far beneath your feet—it was not enough that you began by conſidering royalty, with its well-known ſcourges, as being the cauſe of

all

all your evils,—that the kings of modern Europe are the authors of war and miſery, that their mutual intercourſe is a commerce of human ſlaughter,—that public debts and private oppreſſions, with all the degrading vices that tarniſh the face of nature, had their origin in that ſpecies of government which offers a premium for wickedneſs, and teaches the few to trample on the many;—it was not enough that you ſaw the means of a regeneration of mankind in the ſyſtem of equal rights, and that in a wealthy and powerful nation you poſſeſſed the advantage of reducing that ſyſtem to immediate practice, as an example to the world and a conſolation to human nature. All theſe arguments, with a variety of others which your republican orators placed in the ſtrongeſt point of light, were inſufficient to raiſe the public mind to a proper view of the ſubject.

It ſeems that ſome of your own philoſophers had previouſly taught, that royalty was neceſſary to a great nation. Monteſquieu, among his whimſical maxims about

laws and government, had informed the world that a limited monarchy was the beſt poſſible ſyſtem, and that a democracy could never flouriſh, but in a ſmall tract of country. How many of your legiſlators believed in this doctrine, how many acted from temporiſing motives, wiſhing to baniſh royalty by ſlow degrees, and how many were led by principles leſs pardonable than either, it is impoſſible to determine. Certain it is that republican ideas gained no ground upon the monarchical in your conſtituting aſſembly, during the laſt ſix months of their deliberations. It is likewiſe certain that the majority of that aſſembly took much pains to prevent the people from diſcovering the cheat of royalty, and to continue their ancient veneration, at leaſt for a while, in favour of certain principles in government which reaſon could not approve.

It is remarkable that all the perfidy of your king, at the time of his flight, ſhould have had ſo little effect in opening the eyes of ſo enlightened a people as the French.

His

His flight, and the inſulting declaration which he left behind him, were ſufficient not only to give the lie to the fiction, with which common ſenſe has always been put to the bluſh, and to which your aſſembly had attempted to give a ſanction, *that kings can do no wrong*, but they were ſufficient to ſhow, at leaſt to all who would open their eyes, that the buſineſs of government required no ſuch officer. There is no period during your revolution, if there is any to be found in the hiſtory of France, when buſineſs went on with more alacrity and good order, than during the ſuſpenſion of the royal functions in the interval from the time that the king was brought back to the capital in June, till the completion of the conſtitution in September. Every thing went right in the kingdom, except within the walls of the aſſembly. A majority of that body was determined to make an experiment of a limited monarchy. The experiment has been made. Its duration has indeed been ſhort, being leſs than eleven months; but, although in

ſome reſpects it has been almoſt as fatal to the cauſe of liberty as any ſyſtem could have been within the time, yet in other reſpects it has done more good than all the reaſonings of all the philoſophers of the age could have done in a much longer time: it has taught them a new doctrine, which no experience can ſhake, and which reaſon muſt confirm, *that kings can do no good.* So that, if the queſtion were now to be agitated by the people of France, as it may be by you in their behalf, whether they will have a king or not, I ſhould ſuppoſe the following would be the ſtate of the calculation: A certain quantity of evils are to be expected from the regal office; and theſe evils are of two claſſes, *certain* and *probable.* The *certain* evils are, 1. The million and a half ſterling a year drawn from the people to "ſupport the "ſplendour of the throne;" 2. A great variety of enormous ſalaries paid to miniſters at home, to ambaſſadors abroad, and to biſhops in the church; while the only buſineſs of theſe men and their ſalaries

is

is to ſupport the fiction, that kings can do no wrong. It will always coſt more to ſupport this fiction, than it would to ſupport the whole national government without it. 3. The worſt of all the certain evils is, that the million and a half will be nearly all ſpent in bribery and corruption among the members of the legiſlature, to increaſe the power of the throne, and the means of oppreſſion. If the money, after it is extorted from the people, could be thrown into the ſea, inſtead of being paid to the king and his ſatellites, the evil would be trifling; in that caſe the wickedneſs would ceaſe with the firſt act of injuſtice; while in this it multiplies the weapons of deſtruction againſt themſelves, It creates a perpetual ſcrambling for power, rewards knavery in the higher ranks, encourages falſehood in others, and corrupts the morals of the whole. This it is that debaſes and vilifies the general maſs of mankind, and brings upon them the inſulting remarks of many men, who even wiſh them well, *that the people are unfit for liberty.*

Among

Among the *probable* evils reſulting from the kingly office, the principal one, and indeed the only one that need to be mentioned, is the chance of its being held by a *weak or a wicked man.* When the office is hereditary, it is ſcarcely to be expected but that this ſhould always be the caſe. Conſidering the birth and education of princes, the chance of finding one with practical common ſenſe is hardly to be reckoned among poſſible events; nor is the probability leſs ſtrong againſt their having virtue. The temptations to wickedneſs ariſing from their ſituation are too powerful to be reſiſted. The perſuaſive arts of all their flatterers, the companions of their youth, the miniſters of their pleaſures, and every perſon with whom they ever converſe, are neceſſarily employed to induce them to increaſe their revenue, by oppreſſing the people, whom they are taught from their cradle to conſider as beaſts of burthen. And what muſt almoſt inſure the triumph of wickedneſs in their tempers, is the idea that they act totally and for ever without reſtraint. This is an allurement

to

to vice that even men of ſenſe could ſcarcely reſiſt. Impreſs it on the mind of any man that he *can do no wrong*, and he will ſoon convince you of your miſtake.

Take this general ſummary of the evils ariſing from hereditary monarchy, under any reſtrictions that can be propoſed, and place it on one ſide of the account,—and ſtate, on the other ſide, the truth which I believe no man of reflection will hereafter call in queſtion, *that kings can do no good*, and the friends of liberty will no longer be in doubt which way you will decide the queſtion relative to that part of your conſtitution.

I cannot feel eaſy in diſmiſſing this part of my ſubject, without offering ſome remarks on that general vague idea which has long been floating about in the world, that a people under certain circumſtances are unfit for liberty. You know in what inſulting language this obſervation has been perpetually applied to the French during the courſe of the revo-

revolution. Some have ſaid that they were too *ignorant* to form a government of their own, others, that they were too *poor*, others that they were too *numerous*, and others, that they were too *vitious*. I will not deſcend to the examination of the particular parts of this charge, nor of the whole as applied to the French, or to any other particular people; I will only remark on the general obſervation, as applicable to any poſſible nation exiſting in a ſtate of nature. By a ſtate of nature I mean a ſtate of peace; where the intention is, as a nation, to live by induſtry at home, not by plunder from abroad.

I think Monteſquieu has ſaid, that virtue muſt be the foundation of a republican government. His book is not now by me, or I would try to diſcover what he means by virtue. If he means thoſe moral habits by which men are diſpoſed to mutual juſtice and benevolence, which is the common idea of virtue, it cannot be the foundation of a republican government, or of any government. Theſe qualities re-

quire

quire no reſtraints: the more general their influence ſhould be among any people, the leſs force would be neceſſary in their government; and could we ſuppoſe a nation in which they ſhould exiſt in a perfect degree, that nation would require no government at all. It is the vices, not the virtues of men which are the objects of reſtraint, and the foundation of government. The expreſſion of the general will, operating on the mind of an individual, ſerves with him as a ſubſtitute for virtue. This general will may always be expreſſed by a nation in any poſſible circumſtances; and, if the nation be in a ſtate of nature, this expreſſion will always be *moral virtue*, according to their ideas of the word; and it will always *tend* to moral virtue, in the moſt extenſive ſenſe in which we have yet been able to define it.

It has been ſaid, that man differs from man, as much as man from beaſt; it is ſaid alſo to be fit, that the wiſe and virtuous ſhould make laws for the ignorant and vitious. It is not to my purpoſe to call in

queſtion the firſt of theſe aſſertions; but the ſecond, plauſible as it is, I muſt totally deny; at leaſt in the ſenſe in which it is generally underſtood. That ſome men in the ſame ſociety ſhould be wiſer and better than others, is very natural; and it is as natural, that the people ſhould chooſe ſuch to repreſent them in the formation of laws. But in this caſe the laws originate from the people at large, ignorant and vitious as they are; and the repreſentatives are only the organs by which their will is declared. This is not the ſenſe in which the aſſertion is intended. It is meant, that if kings were always wiſe and good, or if a band of nobles were always wiſe and good, it would be beſt that they ſhould be the hereditary legiſlators. This is the ſenſe in which I deny the aſſertion, becauſe it is contrary to the analogy of nature. It being a ſubject on which we cannot look for experience, we muſt reaſon only from analogy; and it appears extremely evident to me, that, were a ſucceſſion of the wiſeſt and beſt men that ever have, or ever will be known, to be perpetuated in any coun-

try

try as independent legiſlators for the people, the happineſs and good government of the nation would be greatly injured by it. I am confident that any people, whether virtuous or vitious, wiſe or ignorant, numerous or few, rich or poor, are the beſt judges of their own wants relative to the reſtraint of laws, and would always ſupply thoſe wants better than they could be ſupplied by others.

In expreſſing theſe ideas on the peace and happineſs to be expected from a free republic, I have been often accuſed of holding too favourable an opinion of human nature. But it appears to me, that the queſtion, whether men, on any given portion of the earth, are able to make their own laws, does not depend in the leaſt on their moral character. It has no relation to their ſtate of improvement, or their ſtate of morals. The only previous enquiry is, What is the object to be aimed at in the government? If it be the good of the whole community, the whole can beſt know the means of purſuing it; if it be to exalt a

few men at the expence of all the reſt, the deciſion, perhaps, may take a different turn.

A republic of beavers or of monkies, I believe, could not be benefited by receiving their laws from men, any more than men could be in being governed by them. If the Algerines or the Hindoos were to ſhake off the yoke of deſpotiſm, and adopt ideas of equal liberty, they would that moment be in a condition to frame a better government for themſelves, than could be framed for them by the moſt learned ſtateſman in the world. If the great Mr. Locke, with all his wiſdom and goodneſs, were to attempt the taſk, he would probably ſucceed as ill as he did in his conſtitution for the colony of South Carolina.

Colonies have always been teazed and tormented more or leſs (and probably always will be as long as colonies ſhall exiſt) by the overweening wiſdom of the mother-country, in making their laws and conſtitutions. This is often done without any

any wiſh to tyrannize, and ſometimes with the beſt intentions to promote the good of the people. The misfortune more frequently lies in the legiſlator's not knowing the wants and wiſhes of the people, than in any wanton deſire to counteract them. The ſure and only characteriſtic of a good law is, *that it be the perfect expreſſion of the will of the nation*; its excellence is preciſely in proportion to the univerſality and freedom of conſent. And this definition remains the ſame, whatever be the character of the nation, or the object of the law. Every man, as an individual, has a will of his own, and a manner of expreſſing it. In forming theſe individuals into ſociety, it is neceſſary to form their wills into a government; and in doing this, we have only to find the eaſieſt and cleareſt mode of expreſſing their wills in a national manner. And no poſſible diſadvantages relative to their ſtate of morals or civilization can render this a difficult taſk.

I have gone into theſe arguments, not merely to prove that the *French* are fit for liberty,

liberty, who are certainly at this moment the moſt enlightened nation in Europe; but to ſhow that the calumny contained in the contrary aſſertion need not be repeated againſt any other nation, who ſhould make the like exertions, and whoſe pretenſions, in this reſpect, might appear more queſtionable in the eye of faſhionable remark.

But it will be ſaid, I am too late with all theſe obſervations on the neceſſity of proſcribing royalty from your conſtitution. The cauſe is already judged in the minds of the whole people of France; and their wiſhes will ſurely be the rule of your conduct. I ſuppoſe that, without being reminded of your duty by a ſtranger, one of your firſt reſolutions would be, to fix a national anathema on every veſtige of regal power, and endeavour to wipe out from the human character the ſtain which it received, with its veneration for kings and hereditary claims. But it requires much reflection to be well aware to what extent this duty ſhould carry you. There are many vices in your conſtitution, which,

though

though not apparently connected with the king, had their origin in regal ideas. To purify the whole code from these vices, and to purge human nature from their effects, it will be necessary to resort to many principles which appear not to have struck the minds of the first assembly.

You will permit me to hint at some of the great outlines of what may be expected from you, under the peculiar advantages with which you meet to form a glorious republic. Although many of my ideas may be perfectly superfluous, being the same as will occur to every member of your body, yet it is possible that some of them may strike the mind in a new point of light, and lead to reflections which would not rise from any other quarter. Should this be the case in the smallest degree, it ought to be considered, both by you and me, as an ample reward for our pains, in writing and in reading this letter.

On considering the subject of government, when the mind is once set loose from the

the ſhackles of royalty, it finds itſelf in a new world. It riſes to a more extenſive view of every circumſtance of the ſocial ſtate. Human nature aſſumes a new and more elevated ſhape, and diſplays many moral features, which, from having been always diſguiſed, were not known to exiſt. In this caſe, it is a long time before we acquire a habit of tracing effects to their proper cauſes, and of applying the eaſy and ſimple remedy to thoſe vices of our nature which ſociety requires us to reſtrain. This, I apprehend, is the ſource of by far the greateſt difficulties with which you have to contend. We are ſo much uſed, in government, to the moſt complicated ſyſtems, as being neceſſary to ſupport thoſe impoſitions, without which it has been ſuppoſed impoſſible for men to be governed, that it is an unuſual taſk to conceive of the ſimplicity to which the buſineſs of government may be reduced, and to which it muſt be reduced, if we would have it anſwer the purpoſe of promoting happineſs.

After proſcribing royalty, with all its appendages, I ſuppoſe it will not be thought neceſſary in France to ſupport any other errors and ſuperſtitions of a ſimilar complexion; but that undiſguiſed reaſon in all things will be preferred to the cloak of impoſition. Should this be the caſe, you will conceive it no longer neceſſary to maintain a *national church*. This eſtabliſhment is ſo manifeſtly an impoſition upon the judgment of mankind, that the conſtituting aſſembly muſt have conſidered it in that light. It is one of thoſe monarchical ideas, which pay us the wretched compliment of ſuppoſing that we are not capable of being governed by our own reaſon. To ſuppoſe that the people of France are to learn the mode of worſhipping God from the decrees of the Council of Trent, is certainly as abſurd as it would be to appeal to ſuch a Council to learn how to breathe, or to open their eyes. Neither is it true, as is argued by the advocates of this part of your conſtitution, that the preference there given to one mode of worſhip

by the payment of the Catholic prieſts, from the national purſe, to the excluſion of others, was founded on the idea of the property ſuppoſed to have been poſſeſſed by that church, and which by the aſſembly was declared to be thenceforward the property of the nation.

The church, in this ſenſe of the word, ſignifies nothing but a *mode of worſhip*; and to prove that a mode can be a proprietor of lands, requires a ſubtilty of logic that I ſhall not attempt to refute. The fact is, the church conſidered as an *hierarchy*, was always neceſſary to the ſupport of royalty; and your aſſembly, with great conſiſtency of deſign, wiſhing to preſerve ſomething of the old fabric, preſerved ſomething of this neceſſary prop. But as the fabric is now overturned, the prop may be ſafely taken away. I am confident that monarchy and hierarchy will be buried in the ſame grave; and that in France they will not ſurvive the preſent year.

I know

I know it is aſſerted and believed by ſome well-wiſhers to ſociety, that religion would be loſt among men, if they were to baniſh all legal eſtabliſhments with regard to the manner of exerciſing it. I ſhould not be ſo perfectly convinced as I am of the abſurdity of this opinion, were it not eaſy to diſcover how it came to be introduced. It is an idea, as I believe, purely political; and it had its origin in the ſuppoſed neceſſity of governing men by fraud, —of erecting their credulity into an hierarchy, in order to ſuſtain the deſpotiſm of the ſtate. I hold religion to be a natural propenſity of the mind, as reſpiration is of the lungs. If this be true, there can be no danger of its being loſt: and I can ſee no more reaſon for making laws to regulate the impreſſion of Deity upon the ſoul, than there would be, to regulate the action of light upon the eye, or of air upon the lungs. I ſhould preſume therefore, that, on ſtripping this ſubject of all the falſe covering which unequal governments have thrown upon it, you will make no national proviſion for the ſupport of any claſs of men,

under the mock pretence of maintaining the worſhip of God. But you will leave every part of the community to nominate and pay their own miniſters in their own way. The mode of worſhip which they will thus maintain, will be the moſt conducive to good order, becauſe it will be that in which the people will believe.

Much has been ſaid, ſince the beginning of your revolution, on the difference between the buſineſs of framing conſtitutions, and that of ordinary legiſlation. Indeed I am afraid that either too much or too little has been inculcated on this ſubject; becauſe it appears to me, that the doctrine now received is not that which the ſubject would naturally ſuggeſt. It teaches us to conſider thoſe laws that are called *Conſtitutions*, in a light ſo ſacred, as to ſavour too much of the old leaven of veneration for precedent; and every degree of ſuch veneration is ſo much taken from the chance of improvement. To ſuppoſe that our predeceſſors were wiſer than ourſelves is not an extraordinary thing, though

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the opinion may be ill-founded; but to ſuppoſe that they can have left us a better ſyſtem of political regulations than we can make for ourſelves, is to aſcribe to them a degree of diſcernment to which our own bears no compariſon; it ſuppoſes them to have known our condition by prophecy better than we can know it by experience.

There was not only a degree of arrogance in your firſt aſſembly, in ſuppoſing that they had framed a conſtitution, which for a number of years would require no amendment; but they betrayed a great degree of weakneſs in imagining that the ridiculous barriers with which they fenced it round would be ſufficient to reſtrain the powerful weight of opinion, and prevent the people from exerciſing the irreſiſtible right of innovation, whenever experience ſhould diſcover the defects of the ſyſtem. It is partly to theſe barriers, as well as to the inherent vices of the conſtitution, that we are to attribute the late inſurrections in Paris. If we would trace the cauſes of

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popular commotions, we ſhould always find them to have originated in a previous unjuſt reſtraint.

I would not however be underſtood to mean that there ſhould be no diſtinction between the conſtitutional code, and other occaſional laws. There is room for a conſiderable difference, both as to the mode of expreſſing them, and as to the formalities proper to be obſerved in repealing or amending them. I will offer ſome remarks on a plan for amendments towards the cloſe of my letter. With regard to the general complexion of the code, it ought to be as ſimply expreſſed and eaſy to be underſtood as poſſible; for it ought to ſerve not only as a guide to the legiſlative body, but as a political grammar to all the citizens. The greateſt ſervice to be expected from it is, that it ſhould concentrate the maxims, and form the habits of thinking, for the whole community. For this purpoſe, it is not ſufficient that it be purified from every veſtige of monarchy, and hierarchy, with all the impoſitions and in-

equalities which have ſprung inſenſibly from theſe ideas; but it ſhould contemplate the whole circle of human propenſities, and cut off the temptations and opportunities for degenerating into thoſe evils which have ſo long afflicted mankind, and from which we are now but beginning to ariſe.

After laying down the great fundamental principle *that all men are equal in their rights*, it ought to be the invariable object of the ſocial compact to inſure the exerciſe of that equality, by rendering them as equal in all ſorts of enjoyments, as can poſſibly be conſiſtent with good order, induſtry, and the reward of merit. Every individual ought to be rendered as *independent* of every other individual as poſſible; and at the ſame time as *dependent* as poſſible on the whole community. On this undeniable maxim, I think the following poſitions ought to be founded and guaranteed in the conſtitutional code:

Firſt,

Firſt, The only baſis of repreſentation in the government ſhould be *population*; territory and property, though abſurdly ſtated by your firſt aſſembly as making part of the baſis of repreſentation, have no intereſt in it. Property, in itſelf, conveys no right to the poſſeſſor, but the right of enjoying it. To ſay that it has the right of claiming for itſelf the protection of ſociety, is abſurd; becauſe it is already protected, or it would not be property. It is the *perſon*, not the property, that exerciſes the will, and is capable of enjoying happineſs; it is therefore the perſon, for whom government is inſtituted, and by whom its functions are performed. The reaſon why property has been conſidered as conveying additional rights to the poſſeſſor in matters of government, is the ſame as has blinded the underſtandings of men relative to the whole order of nature in ſociety. It is one of thoſe appendages of monarchy and oligarchy, which teaches that the object of government is to increaſe the ſplendour of the few, and the misfortunes of the many.

many. And every ſtep that ſuch governments take has a tendency to counteract the equality of rights, by deſtroying the equality of enjoyments.

Second, If you take population as the only baſis of repreſentation in the departments, the next ſtep will be, to declare every independent man to be an active citizen. By an independent man, I mean every man whom the laws do not place under the control of another, by reaſon of nonage or domeſticity. The laws of France, in my opinion, have always placed the period of majority by ſeveral years too late; that is, later than nature has placed it. This however, was of little conſequence in a political view, as long as the government remained deſpotic; but now, when the rights of man are reſtored, and government is built on that foundation, it is of conſequence to increaſe as far as poſſible the number of active citizens. And for this purpoſe I ſhould ſuppoſe the period of majority ought to be placed at leaſt as early as the age of twenty years.

To make this change in France would be attended with many advantages. It would increaſe the ſtock of knowledge, and of induſtry, by inſpiring young men with early ideas of independence, and the neceſſity of providing for themſelves by ſome uſeful employment: it would be a great inducement to early marriages; and, by that means, increaſe population, and encourage purity of morals.

I am likewiſe fully convinced that the aſſembly was wrong in ſuppoſing that a ſtate of domeſticity ought to deprive a man of the rights of a freeman. This is a relick of thoſe ideas which the ancient government has inſpired. Where a ſervant is abſolutely dependent on the caprice of a maſter for his place, and conſequently for his bread, there is indeed much force in the argument, that he can have no political will of his own; and will give his ſuffrage as directed by the maſter. But when every man ſhall be abſolutely free to follow any profeſſion, every kind of uſeful induſtry being equally encouraged and rewarded;

warded; and eſpecially when every man ſhall be well inſtructed in his duties and his rights, which will certainly be the conſequence of the ſyſtem you have now begun,—ſuch arguments will fall to the ground with the ſyſtem which they ſupport. The ſervant and his maſter, though not equal in property or in talents, may be perfectly ſo in freedom and in virtue. Wherever the ſervant is more dependent on the maſter, than the maſter on the ſervant, there is ſomething wrong in the government. The ſame remarks I believe may be repeated, with little variation, in the caſe of inſolvent debtors, another claſs of men disfranchiſed by the firſt aſſembly.

Third, The manner in which citizenſhip may be acquired or loſt, is a ſubject which ought to be reconſidered by you; as your predeceſſors have left in it ſome room for improvement. Their regulation was indeed a liberal one, compared with what other governments have done; but not ſo, when compared with what the ſubject required. I am confident that when ſociety

ſhall be placed on the right footing, the citizens of any one ſtate will conſider thoſe of any other ſtate as their brothers and fellow citizens of the world; and in this caſe, when thoſe who are called foreigners come to ſettle among them, a mere declaration of their intention of reſidence will be ſufficient to entitle them to all the rights which the natives poſſeſs. I was anxious that the French ſhould ſet the example in this ſpecies of liberality, as they have done in ſo many other good things; and I ſtill believe that on reviewing the ſubject, you will do it.

But according to your conſtitution there are many ways in which the rights of citizens may be loſt, for one of which I can ſee no reaſon; it is naturalization in a foreign country. This is ſo manifeſtly illiberal and unjuſt, that I am almoſt ſure it will be altered. It is an old feudal idea of allegiance; and goes upon the ſuppoſition that fidelity to one country is incompatible with our duty to another. When a citizen of one ſtate is complimented with the freedom

freedom of another, it is generally an acknowledgment of his merit; but your conſtituting aſſembly conſidered it as an object of puniſhment. Many of your citizens have been naturalized in America; but the American governments certainly did not foreſee that this act of theirs would diſfranchiſe thoſe gentlemen at home. You have lately conferred the rights of a French citizen on George Waſhington. If he ſhould accept the honour you have thus done him, and the American conſtitution were in this reſpect the ſame as your own, he muſt immediately be turned out of office, and for ever disfranchiſed at home.

Fourth, You will doubtleſs conſider the important ſubject of the *frequency of popular elections*, as claiming a farther deliberation. It is an article on which too much reflection cannot be beſtowed. It influences the habits of the people and the ſpirit of the government in a variety of ways, that eſcape our common obſervation. I mentioned before, that one of the firſt objects of ſociety is to render every individual

individual perfectly dependent on the whole community. The more completely this object is attained, the more perfect will be the equality of enjoyments and the happineſs of the ſtate. But of all individuals, thoſe who are ſelected to be the organs of the people, in making and in executing the laws, ſhould feel this dependence in the ſtrongeſt degree. The eaſieſt and moſt natural method of effecting this purpoſe is, to oblige them to recur frequently to the authors of their official exiſtence, to depoſit their powers, mingle with their fellows, and wait the deciſion of the ſame ſovereign will which created them at firſt, to know whether they are again to be truſted.

There are doubtleſs ſome limits to this frequency of election, beyond which it would be hurtful to paſs; as every ſubject has a medium between two vitious extremes. But I know of no office, in any department of ſtate, that need to be held for more than one year, without a new election. Moſt men, who give in to this idea

idea with reſpect to the legiſlative, are accuſtomed to make an exception with regard to the executive, and particularly with regard to that part which is called the judiciary. I am aware of all the arguments that are uſually brought in ſupport of theſe exceptions; but they appear to me of little weight, in compariſon to thoſe in favour of univerſal annual elections. Power always was, and always muſt be, a dangerous thing. I mean, power collected from the great maſs of ſociety, and delegated to a few hands; for it is only in this ſenſe that it can properly be called power. The phyſical forces of all the individuals of a great nation cannot be brought to act at once upon a ſingle object; and the ſame may be ſaid of their moral forces. It is neceſſary therefore that the exerciſe of theſe ſhould always be performed by delegation; the moral in legiſlation, the phyſical in execution. This is the proper definition of national power; and in this ſenſe it is neceſſarily dangerous; becauſe, ſtrictly ſpeaking, it is not exerciſed by thoſe whoſe property it is, and for whoſe

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good it is intended to operate. It is in the nature of this kind of truſt to invert in ſome meaſure the order of things; it apparently ſets the ſervant above the maſter, and diſpoſes him to feel a kind of independence which ought never to be felt by any citizen, particularly one who is charged with a public function.

It has ever been the tendency of government to divide the ſociety into two parties,—the governors and the governed. The miſchiefs ariſing from this are almoſt infinite. It not only diſpoſes each party to view the other with an eye of jealouſy and diſtruſt, which ſoon riſe to acts of ſecret or open enmity, but it effectually corrupts the morals of both parties, and deſtroys the vital principles of ſociety; it makes government the trade of the few, ſubmiſſion the drudgery of the many, and falſehood the common artifice of the whole. To prevent this, I would have no man placed in a poſition in which he can call himſelf governor, for a moment longer than while he performs the duties of his truſt

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to the ſatisfaction of his fellow citizens, nor even then, but for a ſhort period. He ſhould feel at all times as though he were ſoon to change places with any one of his neighbours, whom he now ſees ſubmiſſive to his authority.

But to anſwer this purpoſe, the frequent return of elections is not of itſelf ſufficient. I am fully of the opinion, that with regard to all diſcretionary officers, there ought to be an excluſion by rotation. Thoſe functions that are purely miniſterial, ſuch as thoſe of ſheriffs, conſtables, clerks of courts, regiſters &c. perhaps may form exceptions; but legiſlators, executive counſellors, judges and magiſtrates of every deſcription, ſhould not only feel their dependence on the people by an annual election, but ſhould frequently mingle with them by an excluſion from office. The effect of this would be, not what is often aſſerted, that no one would underſtand government, but the contrary, that every one would underſtand it. This would form a prodigious ſtimulus to the

acquiſition of knowledge among all deſcriptions of men, in all parts of the country. Every man of ordinary ability would be not only capable of watching over his own rights, but of exerciſing any of the functions by which the public ſafety is ſecured. For whatever there is in the art of government, whether legiſlative or excutive, above the capacity of the ordinary claſs of what are called well informed men, is ſuperfluous and deſtructive, and ought to be laid aſide. The man who is called a *politician*, according to the practical ſenſe of the word in modern Europe, exerciſes an office infinitely more deſtructive to ſociety than that of a highwayman. The ſame may be ſaid, in general, of the *financier*; whoſe art and myſtery, on the funding ſyſtem of the preſent century, conſiſt in making calculations to enable governments to hire mankind to butcher each other, by drawing bills on poſterity for the payment.

I would therefore ſuggeſt the propriety of your reviewing the article of biennial elections,

elections, as inſtituted by your firſt aſſembly, and of your making them annual; and the ſame term, if not the ſame manner of election, ought to extend to all executive officers, whoſe functions are in any manner diſcretionary. I think it would likewiſe be eſſential, that no office of this deſcription ſhould be held by one man, more than two years in any term of four years. This would ſend into the departments, and into every part of the empire, at frequent periods, ſome thouſands of men with practical knowledge of public buſineſs; it would at leaſt be the means of doubling the number of ſuch well-inſtructed men; and, by holding out the inducement to others to qualify themſelves to merit the confidence of their fellow citizens, it would multiply the number of men of theoretical knowledge, at leaſt ten fold. All theſe men will be watchful guardians of the public ſafety. But theſe are not all the advantages of frequent elections. They habituate the people to the *buſineſs* of election, and enable them to carry it on with order and regularity, like their daily

labour; they habituate the candidates to be gratified with the public confidence, or to be diſappointed in the expectation of obtaining it; ſo that their ſucceſs or diſappointment ceaſes to make that deep impreſſion on their minds, which it otherwiſe would do. It is thus that you would cut off an infinite ſource of that intrigue and corruption, which are foretold with ſo much horror by thoſe who have not well ſtudied the effects of a well organized popular government. But another method, not leſs effectual, to prevent the arts of ſcrambling for power and places, will be hinted at in the following article.

Fifth, Among the fatal miſconceptions of things which monarchy has entailed upon us, and which are extremely difficult to eradicate from the mind, muſt be reckoned that prevalent opinion, that all governments ſhould gratify their agents with *enormous ſalaries*. This idea has uſually been more particularly applied in favour of the executive officers of government and their dependants; and it had its origin in

the antecedent principle, that government divides the people into two diſtinct claſſes, and that the ſame quantity of buſineſs, coming within the verge of one of theſe claſſes, muſt be paid for at a higher price than it would be, within that of the other; though it ſhould be performed by the ſame man, and required the ſame exertion of talents. Your conſtitution is ſilent as to the quantity of ſalary that ſhall be paid to any particular officer; it only ſays that "the nation will provide for the ſplendour "of the throne," (which indeed is a declaration of war againſt the liberties of the people) but the authors of that conſtitution, in their legiſlative capacity, after providing for that ſplendour with a ſum ſufficient to purchaſe the majority of almoſt any corps of ſeven hundred legiſlators, went on to provide for the ſplendour of the miniſters. They gave to one, if my memory does not deceive me, one hundred and fifty thouſand livres, and one hundred thouſand to each of the reſt. This on an average is about three times more than ought to have been given,

given, unleſs the object were to carry on the government by intriguing for places.

I mention this article, not on the ſcore of œconomy. That conſideration, however weighty it may appear, is one of the leaſt that can ſtrike the mind on the ſubject of public ſalaries. The evil of paying too much is pregnant with a thouſand miſchiefs. It is almoſt ſufficient of itſelf to defeat all the advantages to be expected from the inſtitution of an equal government. The general rule to be adopted in this caſe, (which perhaps is all that can be ſaid of it in the conſtitution) appears to me to be this, *That ſo much, and no more, ſhall be given for the performance of any public function, as ſhall be ſufficient to induce ſuch men to undertake it whoſe abilities are equal to the taſk.* If this rule were ſtrictly obſerved, it is rational to conclude, that there would be no more contention or intrigue among candidates to obtain places in the government, than there is among manufacturers, to find a market

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for their goods. This concluſion becomes more probably juſt, when we conſider that your intention is to cut off from the ſervants of the public all hopes of obtaining the public money by any indirect and fraudulent meaſures. When there ſhall be no more civil liſt, or livre rouge, no more miniſterial patronage in church or ſtate, no more ſale of juſtice or purchaſe of oppreſſion, or any kind of perquiſite of office, but the candidate ſhall be aſſured, that all the money he ſhall receive, will be the ſimple ſum promiſed by the legiſlature, that ſum being no more than the work is honeſtly worth, he will accept or relinquiſh the moſt important truſt, as he would an ordinary occupation.

This ſingle circumſtance of ſalaries, being wiſely guarded on every ſide, would, in the courſe of its operation, almoſt change the moral face of government. It would ſilence all the clamours againſt the republican principle, and anſwer many of the faſhionable calumnies againſt the character of the human heart.

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There is another queſtionable opinion now extant, even in republican countries; which, as it has made ſome figure in France, and is connected with the ſubject of ſalaries, I will mention in this place. It is ſuppoſed to be neceſſary, for the energy of government, that its officers ſhould aſſume a kind of external pomp and ſplendour, in order to dazzle the eye, and inſpire the public mind with a veneration for their authority. As this pomp cannot be ſupported without ſome expence, the ſuppoſed neceſſity for aſſuming it is always offered as a reaſon for high ſalaries; and, allowing the firſt poſition to be true, the conſequence is certainly reaſonable and juſt. If we are to be governed only by deception, it is right that we ſhould pay for this deception. But the whole argument is wrong; that is, if we allow monarchy and hierarchy to be wrong; it is a badge of that kind of government which is directly the reverſe of republican principles, or the government of reaſon. I do not deny, that this official pomp has in a great meaſure the effect which is intended from it;

it; it impoſes on the unthinking part of mankind, and has a tendency to ſecure their obedience. This effect, however, is not ſo great as that of ſimplicity, and the native dignity of reaſon would be; but on the moral habits of ſociety, its operation is more pernicious than at firſt view we are ready to imagine. So far as the people are caught by the impoſition, it leads them to wrong ideas of themſelves, of their officers, and of the real authority of laws. This is a fatal deviation from the true deſign of government; for its principal object certainly ought to be, to rectify our opinions, and improve our morals.

For my own part, when I ſee a man in private life aſſuming an external ſplendour, for the ſake of gaining attention, I cannot but feel it an inſult offered to my underſtanding; becauſe it is ſaying to me, that I have not diſcernment enough to diſtinguiſh his merit, without this kind of *ecce ſignum*. And when an officer of government exhibits himſelf in the foppery of a puppet, and is drawn by ſix or eight

horſes, where two would be really more convenient to himſelf, I am grieved at the inſult offered to the nation, and at their ſtupidity in not perceiving it. For the language of the mummery is ſimply this, That the officer cannot rely upon his own perſonal dignity as a title to reſpect, nor the laws be truſted to their own juſtice, to inſure their execution. It is a full acknowledgment on his part, that the government is bad, and that he is obliged to dazzle the eyes of the people, to prevent their diſcovering the cheat. When a ſet of judges on the bench take the pains to ſhroud their head and ſhoulders in a fleece of horſe-hair, in order to reſemble the bird of wiſdom, it raiſes a ſtrong ſuſpicion, that they mean to palm upon us the emblem for the reality.

It is eſſential to the character of a free republic, that every thing ſhould be reduced to the ſtandard of reaſon; that men and laws ſhould depend on their own intrinſic merit, and that no ſhadow of deception ſhould ever be offered to the people;

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as it cannot fail to corrupt them, and pave the way to oppreſſion. I make theſe remarks, not that they will form an article proper to enter into your conſtitution, but to remove every appearance of argument in favour of high ſalaries. And I think the conſtitution ought to contain a general declaration, *that every public ſalary ſhould be reſtricted to a ſum not more than ſufficient to reward the officer for his labour*; which ſum muſt, of courſe, be left to be fixed by the legiſlature.

Seventh, There appears to me to be an error of doctrine in France, with reſpect to the relation which ought to ſubſiſt between the repreſentative, and his immediate conſtituents. It is ſaid, that when a repreſentative is once choſen, and ſent to the Aſſemby, he is no longer to be conſidered as repreſenting the people of the particular department which ſent him, but of the nation at large; and therefore, during the term for which he is choſen, he is not accountable to the people who choſe him, but is to be controuled, removed or

ſuſpended, only by the National Aſſembly. This appears to have been eſtabliſhed, in order to get rid of a contrary doctrine, which was found to be inconvenient; which was, that a delegate ſhould be bound at all times to follow the *inſtructions* of his conſtituents; as thereby all the advantages to be expected from diſcuſſion and deliberation would be loſt. If the firſt of theſe be an error, as I believe it is, it may eaſily be avoided, without running into the laſt. When the delegate receives inſtructions, which prove to be contrary to the opinion which he afterwards forms, he ought to preſume that his conſtituents, not having had the advantage of hearing the national diſcuſſion, are not well informed on the ſubject, and his duty is to vote according to his conſcience. It is to be ſuppoſed that, for his own ſake, he will explain to them his motives; but if for this, or any other circumſtance, they ſhould be diſſatisfied with his conduct, they have an undoubted right at any time to recall him, and nominate another in his place. This will tend to maintain a proper relation be-

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tween the repreſentative and the people, and a due dependence of the former upon the latter. Beſides, when a man has loſt the confidence of his fellow-citizens of the department, he is no longer their repreſentative; and when he ceaſes to be theirs, he cannot in any ſenſe be the repreſentative of the nation; ſince it is not pretended that he can derive any authority, but through his own conſtituents. This, however, cannot deprive the aſſembly of its right to expel or ſuſpend a member for any refractory conduct, which may be deemed an offence againſt the ſtate.

Eighth, The article of *inviolability*, as applied to the members of the aſſembly, or to any other officers of the ſtate, is worthy of re-conſideration. But before it be again decided in the affirmative, you ought to take a general view of that intereſting ſubject of *impriſonment for debt*. It is a ſpecies of civil cruelty which all modern governments have borrowed from the Roman law, which conſidered a debtor as a criminal, and committed the care of his puniſh-

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ment into the hands of the creditor, lending the public priſon as an inſtrument of private vengeance. It is a diſgrace to the wiſdom of a nation, and can never be allowed in a well regulated ſtate. If no citizen could be arreſted or deprived of his liberty, for debt, there would be no need of making an exception in favour of the officers of government; and thus you would remove a diſtinction which muſt always appear unjuſt.

Ninth, You will ſcarcely think that your duty is diſcharged, ſo as to ſatisfy your own minds on the eſtabliſhment of a conſtitution, from which the friends of humanity will anticipate a total regeneration of ſociety, until you ſhall have given a farther declaration on the ſubject of criminal law. All men of reflection are agreed, that puniſhments in modern times have loſt all proportion to the crimes to which they are annexed, even on that ſcale of barbarous juſtice by which they were introduced. Few, however, have had the wiſdom to diſcover, or the boldneſs to declare,

clare, the true cauſe of the evil; and while we remain ignorant of the cauſe, it is no wonder that we fail in finding the remedy. In the glooms of meditation on the miſeries of civilized life, I have been almoſt led to adopt this concluſion, That ſociety itſelf is the cauſe of all crimes; and, as ſuch, it has no right to puniſh them at all. But, without indulging the ſeverity of this unqualified aſſertion, we may venture to ſay, that every puniſhment is a new crime; though it may not in all caſes be ſo great as would follow from omitting to puniſh.

There is a manifeſt difference between *puniſhment* and *correction*; the latter, among rational beings, may always be performed by inſtruction; or at moſt by ſome gentle ſpecies of reſtraint. But puniſhment, on the part of the public, ariſes from no other ſource but a jealouſy of power. It is a confeſſion of the inability of ſociety, to protect itſelf againſt an ignorant or refractory member. When there are factions in a ſtate, contending for the ſupreme command, the pains inflicted by each party

are ſummary; they often precede the crime; and the factions wreak their vengeance on each other, as a prevention of expected injuries. Something very ſimilar to this is what perpetually takes place in every nation, in what is called a ſtate of tranquillity and order. For government has uſually been nothing more than a regulated faction. The party which governs, and the party which reluctantly ſubmits to be governed, maintain a continual conflict; and out of that conflict proceed the crimes and the puniſhments, or, more properly ſpeaking, the puniſhments and the crimes. When we ſee the power of the nation ſeizing an individual, dragging him to a tribunal, pronouncing him worthy of death, and then going through the ſolemn formalities of execution, it is natural to aſk, what is the meaning of all this? It certainly means, that the nation is in a ſtate of civil war; and even in that barbarous ſtage of war, when it is thought neceſſary to put all priſoners to death. In deciding the queſtion, whether a particular criminal ſhould be put to death, I never would aſk what is the

nature of his offence; it has nothing to do with the queſtion; I would ſimply enquire, what is the condition of the ſociety. If it be in a ſtate of internal peace, I would ſay it was wicked and abſurd to think of inflicting ſuch puniſhment. To plead that there is a neceſſity for that deſperate remedy, proves a want of energy in the government, or of wiſdom in the nation.

When men are in a ſtate of war, with the enemy's bayonets pointed at their breaſts, or when they are in the heat of a revolution, encompaſſed by treaſon, and tormented by corruption, there is an apology for human ſlaughter; but when you have eſtabliſhed a wiſe and manly government, founded on the moral ſenſe, and invigorated by the enlightened reaſon of the people, let it not be ſullied by that timid vengeance, which belongs only to tyrants and uſurpers. I could wiſh that your conſtitution might declare, not merely what it has already declared, that the penal code ſhall be reformed, but, that within a certain period after the return of peace,

the puniſhment of death ſhall be aboliſhed. It ought likewiſe to enjoin it on the legiſlative body to ſoften the rigour of puniſhments in general, till they ſhall amount to little more than a tender paternal correction. Whoever will look into the human heart, and examine the order of nature in ſociety, muſt be convinced, that this is the moſt likely method of preventing the commiſſion of crimes. But

Tenth, In order to be conſiſtent with yourſelves in removing thoſe abuſes which have laid the foundation of all offences againſt ſociety, both in crimes and puniſhments, you ought to pay a farther attention to the neceſſity of *public inſtruction*. It is your duty, as a conſtituting aſſembly, to eſtabliſh a ſyſtem of government that ſhall improve the morals of mankind. In raiſing a people from ſlavery to freedom, you have called them to act on a new theatre; and it is a neceſſary part of your buſineſs, to teach them how to perform their parts. By diſcovering to a man his rights, you impoſe upon him a new

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ſyſtem of duties. Every Frenchman, born to liberty, muſt now claim, among the firſt of his rights, the right of being inſtructed in the manner of preſerving them. This the ſociety has no authority to refuſe; and to fail of enjoining it on the legiſlative body, as a part of its conſtant care, would be to counteract the principles of the revolution, and expoſe the whole ſyſtem to be overturned.

From what the conſtitution has already declared on this head, and from the diſpoſition of the two laſt aſſemblies, I have no doubt but conſiderable attention will be paid to it; but I wiſh in this place to recommend it to a more particular conſideration, as a ſubject connected with criminal law. It is certain that no obedience can be rationally expected from any man to a law which he does not know. It is not only unjuſt, but abſurd and even impoſſible, to enforce his obedience. It is therefore but half the buſineſs of legiſlators to make good laws; an indiſpenſable part of their duty is to ſee that every perſon in

the ſtate ſhall perfectly underſtand them. The barbarous maxim of juriſprudence, *That ignorance of the law is no excuſe to the offender*, is an inſolent apology for tyranny, and ought never to diſgrace the policy of a rational government. I think therefore it would do honour to your conſtitution, and ſerve as a ſtimulus to your legiſlature and to your magiſtrates, in the great duty of inſtruction, to declare, *That knowledge is the fouudation of obedience, and that laws ſhall have no authority but where they are underſtood.*

Eleventh, Since I am treating of morals, the great object of all political inſtitutions, I cannot avoid beſtowing ſome remarks on the ſubject of *public lotteries*. It is a ſhocking diſgrace to modern governments, that they are driven to this pitiful piece of knavery, to draw money from the people. But no circumſtance of this kind is ſo extraordinary, as that this policy ſhould be continued in France, ſince the revolution; and that a ſtate lottery ſhould ſtill be reckoned among the permanent

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ſources of revenue. It has its origin in deception; and depends for its ſupport, on raiſing and diſappointing the hopes of individuals, on perpetually agitating the mind with unreaſonable deſires of gain, on clouding the underſtanding with ſuperſtitious ideas of chance, deſtiny, and fate, on diverting the attention from regular induſtry, and promoting a univerſal ſpirit of gambling, which carries all ſorts of vices into all claſſes of people. Whatever way we look into human affairs, we ſhall ever find, that the bad organization of ſociety is the cauſe of more diſorders than could poſſibly ariſe from the natural temper of the heart. And what ſhall we ſay of a government, that avowedly ſteps forward with the inſolence of an open enemy, and creates a new vice, for the ſake of loading it with a tax? What right has ſuch a government to puniſh our follies? And who can look without diſguſt on the impious figure it makes, in holding the ſcourge in one hand, and the temptation in the other? You cannot heſitate to declare in your conſtitution, that all ſtate lotteries ſhall be for ever aboliſhed.

Twelfth,

Twelfth, As yours is the firſt nation in the world, that has ſolemnly renounced the horrid buſineſs of conqueſt, you ought to proceed one ſtep farther, and declare, that you will have no more to do with *colonies*. This is but a neceſſary conſequence of your former renunciation. For colonies are an appendage of conqeuſt; and to claim a right to the one would be claiming a perpetual, or reiterated right to the other. Suppoſing your colonies were to declare independence, and ſet up a government of their own, (which your own principles and the firſt laws of nature declare they have a right to do) in that caſe, the ſame pretences which you now have to hold them under your controul, would certainly juſtify you in reconquering and ſubjecting them. But it would be a mere waſte of argument, to prove that you have no *right* to retain a ſovereignty over them; and if I could bring myſelf to pay ſo ill a compliment to your juſtice, as to ſuppoſe that you could wiſh to violate a right, for the ſake of what is called *policy*, it would be eaſy to ſhow, that to maintain foreign

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poſſeſſions, is in all caſes as impolitic, as it is unjuſt and oppreſſive. Policy, in this reſpect, can have no other object, but the advantages of trade; and it may be laid down as a univerſal poſition, that whatever ſolid advantages can flow to the mother country from the trade of her colonies, would neceſſarily flow to her, if they were independent ſtates. The experience of mankind has not yet enabled us even to ſuppoſe a caſe, in which it would be otherwiſe. Whatever is free and mutually advantageous in trade, would be natural, and would be carried on by each party for its own intereſt: whatever is unnatural and forced muſt be ſecured by means that will probably leſſen the quantity of the whole; but at all events, the coſt of maintaining it will for ever exceed the profits. This is not only found to be true, from the experience of every nation which has maintained colonies abroad; but the nature of the ſubject requires that it ſhould always be the caſe. It is a theory, for the proof of which no experience could have been neceſſary;

neceſſary; and it is to the pride of kings, and the miſtaken rapacity of governments, to the falſe glare of extended ſovereignty, and the deſire of providing predatory places for the ſycophants of courts, that we are to attribute the train of calamities which has tormented the maritime nations of Europe, in maintaining colonies for the monopoly of trade. And where are we to look for reaſon and reformation, but to France? The Engliſh and other governments, to ſupport a conſiſtency of character, and fill up the meaſure of their ſins, are faithful only to this one point, that the more they are convinced of the truth, the more obſtinate is their perſeverance in error.

I cannot but think it unneceſſary, if not impertinent, to enter into farther arguments to prove, that juſtice, policy, and the true principles of commerce, require you to ſet the example to the world, of declaring your colonies abſolutely free and independent ſtates, and of inviting them

them to form a government of their own. The example would ſoon be followed by other nations; if not from reaſon and from choice, at leaſt from the more imperious argument of neceſſity.

Thirteenth, I cannot cloſe my letter, without ſome reflections on the policy of maintaining any thing like what is called *a ſtanding army in time of peace*, which ſeems to have been the intention of your firſt Aſſembly. Such a force would have many fatal effects on the ſpirit of a republican government, without anſwering any good purpoſe that can be expected from it. According to your own principles, you will have no more to do with foreign wars, unleſs you are invaded; and it is probable, that the preſent is the laſt invaſion that will ever be formed againſt France. But, be that as it may, a ſtanding military force is the worſt reſource that can be found for the defence of a free republic. In this caſe, the ſtrength of the army is the weakneſs of the nation. If

the army be really ſtrong enough to be relied on for defence, it not only impoſes on the people a vaſt unneceſſary expence, but it muſt be a dangerous inſtrument, in the hands of dangerous men; it may furniſh the means of civil wars, and of the deſtruction of liberty. If, on the contrary, it be not ſufficient for external defence, it will only ſerve to diſappoint the people. Being taught to believe that they have an army, they will ceaſe to truſt in their own ſtrength, and be deceived in their expectations of ſafety.

But the greateſt objection againſt a ſtanding army is, the effect it would have on the political ſentiments of the people. Every citizen ought to feel himſelf to be a neceſſary part of the great community, for every purpoſe to which the public intereſt can call him to act; he ſhould feel the habits of a citizen and the energies of a ſoldier, without being excluſively deſtined to the functions of either. His phyſical and moral powers ſhould be kept in equal

vigour;

vigour; as the diſuſe of the former would be very ſoon followed by the decay of the latter. If it be wrong to truſt the legiſlative power of the ſtate for a number of years, or for life, to a ſmall number of men; it is certainly more prepoſterous to do the ſame thing with regard to military power. Where the wiſdom reſides, there ought the ſtrength to reſide, in the great body of the people; and neither the one nor the other ought ever to be delegated, but for ſhort periods of time, and under ſevere reſtrictions. This is the way to preſerve a temperate and manly uſe of both; and thus, by truſting only to themſelves, the people will be ſure of a perpetual defence againſt the open force, and the ſecret intrigues of all poſſible enemies at home and abroad.

Fourteenth, After tracing the outlines of your conſtitution, according to your preſent ideas, and proclaiming it in the moſt ſolemn manner, as the foundation of law and right, it will ſtill be vain to think of reſtraining the people from making al-

terations and amendments, as often as experience ſhall induce them to change their opinions. The point you have to aim at in this, is to agree upon a method in which amendments can be made, without any of thoſe extraordinary exertions, which would occaſion unneceſſary inſurrections. The more eaſy and expeditions this method ſhall appear, the leſs likely it will be to provoke diſorders, and the better it will anſwer the purpoſe, provided it always refers the ſubject to the real wiſhes of the people. I would propoſe, therefore, (on the preſumption that your legiſlative body ſhall be choſen only for one year at a time) that every annual National Aſſembly ſhall have power to propoſe, and the next ſucceeding one to adopt and ratify, any amendments that they ſhall think proper in the conſtitutional code. But it ſhould always be done under this reſtriction, that the articles to be propoſed by any one Aſſembly, ſhould be agreed to, and publiſhed to the people in every department, within the firſt ſix months of the ſeſſions of that Aſſembly,

Aſſembly. This would give time to the people to diſcuſs the ſubject fully, and to form their opinions, previous to the time of electing their members to the next Aſſembly. The members of the new Aſſembly, when they ſhould come together, would thus be competent to declare the wiſhes of the people on the amendments propoſed, and would act upon them as they ſhould think proper. The ſame power of propoſing and adopting would be continued from year to year with perfect ſafety to the conſtitution, and with the probability of improvement.

Thus, gentlemen, I have given a haſty ſketch of ſome leading ideas, that lay with weight upon my mind, on a ſubject of much importance to the intereſts of a conſiderable portion of the human race. If they ſhould be thought of no value, they will of courſe occupy but little of your attention, and therefore can do no injury. If I have ſaid any thing from which a uſeful reflection ſhall be drawn, I ſhall feel myſelf